

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

FELISTUS CRISWELL,

Petitioner,

V.

C.A. No. _____

PETITION FOR WRIT OF HABEAS CORPUS

PATRICIA HYDE, Field Office Director,
U.S. Immigration and Customs
Enforcement, Boston Field Office,
MICHAEL KROL, HSI New England
Special Agent in Charge, TODD LYONS,
Acting Director, U.S. Immigration and
Customs Enforcement, and
KRISTI NOEM, Secretary of U.S.
Department of Homeland Security,

Respondents.

1. Petitioner Felistus Criswell is a Conditional Permanent Resident of the United States. She is currently being held unlawfully in federal immigration detention.
2. Petitioner was arrested by U.S. Immigration and Customs Enforcement (“ICE”) on May 6, 2025.
3. Petitioner previously filed an application with U.S. Citizenship and Immigration Services (“USCIS”) to remove the conditions on her permanent residency based on her marriage. On information and belief, her attorney at the time wrote to USCIS in 2018 and requested the interview be rescheduled because she was in the process of divorcing her then-spouse. On

information and belief, the government contends that this request was denied, that Petitioner did not attend the interview, and the Petitioner was served a Notice to Appear to appear in Immigration Court for termination of her Conditional Permanent Resident Status. The Notice to Appear was issued in or around June 2018.

4. Divorce does not automatically preclude removal of the conditions on Petitioner's permanent residency. The law allows for a waiver of any requirement for an ongoing marriage, and such a waiver has been filed with USCIS by Petitioner's immigration counsel. The waiver request remains pending.
5. In the meantime, the Immigration Court has taken no action on Petitioner's proceeding in the Immigration Court for roughly the last seven years. According to records available to Petitioner's immigration counsel, the Immigration Court scheduled hearings in 2020, 2022, and 2023, all of which were canceled by the Immigration Court.
6. Petitioner has never failed to appear in the Immigration Court for any scheduled hearing. Petitioner's next scheduled hearing in the Immigration Court is not until November 2025.
7. Petitioner has never received a bond hearing or other pre-deprivation process regarding her change in custody status, and on information and belief the Immigration Court has not issued any order to revoke or alter her custody status.
8. Petitioner's son, for whom Petitioner is the primary caregiver, suffers from a chronic condition from which he has severe polyps on his throat that grow back frequently and prevent him from speaking above a whisper. He receives and requires chemotherapy at Boston Children's Hospital every 3 weeks for this condition. His next appointment is this Thursday, May 8, 2025. He requires transportation from this appointment, and all future appointments, and Petitioner is the only person who provides these rides.

9. Petitioner also has a second son, age 7, who is a United States citizen. At this time, Petitioner's counsel is gathering more details about Petitioner's second son.
10. On information, petitioner Felistus Criswell is presently detained in Massachusetts at the Boston Field Office of U.S. Immigration and Customs Enforcement, 1000 District Ave, Burlington, MA 01803.
11. Respondent Patricia Hyde, or other Respondents or their agents, is Petitioner's immediate custodian.
12. This Court has jurisdiction pursuant to 28 U.S.C. § 2241.
13. Venue lies in the District of Massachusetts because, on information and belief, Petitioner is currently detained within this District.

CLAIM FOR RELIEF

COUNT I – WRIT OF HABEAS CORPUS

14. Petitioner's detention is unlawful and violates the Due Process Clause of the Fifth Amendment to the U.S. Constitution.

PRAYER FOR RELIEF

Wherefore, Petitioner asks this Court to GRANT the following relief:

1. A writ of habeas corpus requiring that Petitioner be released;
2. Order that Petitioner not be removed from Massachusetts pending adjudication of this Petition, or that any such transfer necessary due to lack of female detention space in Massachusetts be to a neighboring state within the geographic jurisdiction of the Boston Immigration Court; and
3. Any further relief this Court deems just and proper.

May 6, 2025

Respectfully submitted,

PETITIONER FELISTUS CRISWELL,

By her attorney,

/s/ Benjamin B. Tymann

Benjamin B. Tymann, BBO #652011

TYMANN, DAVIS & DUFFY, LLP

45 Bromfield Street, 6th Floor

Boston, MA 02108

617.933.9490

btymann@tddlegal.com